

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number Q64735	
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 09/891,545		Filed June 27, 2001
	First Named Inventor Dominique CHANTRAIN, et al		
	Art Unit 2153		Examiner Yasin M. BARQADLE
<p style="text-align: center;">WASHINGTON OFFICE 23373 CUSTOMER NUMBER</p>			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record.</p> <p>Registration number <u>28,703</u></p> <p style="text-align: right;"><u>/DJCushing/</u> Signature</p> <p style="text-align: right;"><u>David J. Cushing</u> Typed or printed name</p> <p style="text-align: right;"><u>(202) 293-7060</u> Telephone number</p> <p style="text-align: right;"><u>July 26, 2006</u> Date</p>			

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q64735

Dominique CHANTRAIN, et al.

Appln. No.: 09/891,545

Group Art Unit: 2153

Confirmation No.: 1856

Examiner: Yasin M. BARQADLE

Filed: June 27, 2001

For: METHOD FOR ENABLING A USER ALREADY CONNECTED TO A VIRTUAL
PRIVATE NETWORK TO COMMUNICATE WITH A COMMUNICATION DEVICE
NOT BELONGING TO THIS VIRTUAL PRIVATE NETWORK AND
CORRESPONDING NETWORK ACCESS SERVER

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF - PATENTS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the new Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated January 26, 2006, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claim 1 reads:

1. A method for **enabling a user** registered in an Network Access Server as already connected to a host Virtual Private Network **to communicate with at least one communication device outside of said host Virtual Private Network**, said Network Access Server having access over a data communication network to said communication device and to a plurality of Virtual Private Networks including said host Virtual Private Network, wherein said method comprises:

detecting **a message being sent from said user to said communication device while said user is currently connected to said host Virtual Private Network**; and

directing said message to a logical channel between said Network Access Server and said communication device, **wherein said logical channel has, as a logical channel identifier, an identifier of said host Virtual Private Network to which said user is currently connected.**

The bold-faced language describes subject matter neither shown nor suggested in Provino. Essentially the same language is found in claims 8-10. All claims patentably distinguish over the prior art due to the failure of the prior art to teach this claimed subject matter.

In the Amendment filed October 26, 2005, applicants pointed out this distinction, but in the Office action mailed January 26, 2006 the examiner acknowledges this argument but dismisses it on the grounds that the features on which applicant relies are not recited in the rejected claims. The examiner is clearly wrong as evidenced by the bold-faced language above.

The portion of Provino cited by the Patent Office (col. 9, lines 46-60) as allegedly disclosing the use of a connected-to VPN identifier for a logical channel is directed to the establishment of a secure tunnel between a device and a firewall. There is no disclosure in the cited passage, however, of using an identifier of an already connected-to VPN for establishing communications with another device through a logical channel, wherein the identifier of the already connected-to VPN is used as the logical channel identifier.

In addition, packets traversing the secure tunnel connection described in Provino are sent to a “predetermined integer Internet address associated with the firewall 30 which is reserved for secure tunnel establishment requests.” *See* col. 9, lines 52-54 of Provino. There is no reference in Provino that the predetermined integer address is somehow related to an identifier of an already connected-to VPN network, or that the secure tunnel is correlated to or refers to an identifier of an already connected-to VPN network. Previously, the examiner mischaracterized

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Provino at col. 10, lines 7-12 by claiming that the cited passage discloses that the secure tunnel uses an identifier of the already connected-to VPN as a tunnel identifier. The cited passage refers to the storage of an identification of the firewall and identifications of encryption and decryption algorithms and associated keys. There is no reference to an identifier of the already connected-to VPN.

For the above reasons, it is submitted that all claims patentably distinguish over the cited art.

Respectfully submitted,

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